I the Subscriber depose & say that on the 28th July 1776 being at Stoning Town in the State of Connecticut was in Company with Capt. Elijah Freeman Payne who then Commanded the Arm'd Schooner the S.d Elijah Freeman Payne told me that he came from Providence in said Schooner and was bound to the State of south Carolina and that he himself was an Officer Employ'd by that State, and sent from there to the New England States to engage a number of Men into the Service of said State he also told me that he had Engag'd about Thirty Men and that he came from Providence to Stoningtown to take on board some Cannon which he had before engag'd and to get more Men if Possible — he told me he was desirous to engage Mr. Wait Rathburn of that Place as a Lieut. in the Service of that State and that he himself was an Officer under Capt. Cockaran of the State of South Carolina — on the 31st. July, the S.d Mr. Rathburn told me that he was going a Lieut. in the Service of that State — being engaged by the the S.d Mr. Payne further that S.d Payne told me that he had engaged that Schooner to carry him and his People to South Carolina — The Deponat further saith that

that he heard from the said Mr. Payne & Mr. Rathborn that there was Proposals between them for taking Mr. Rathborn's Schooner in the Place of the Schooner Mr. Payne came to Stoning Town in

and further sayeth not

Elisha Hinman

On Board Ship Alfred
Portsmth. Harbr. 21st Augt. 1777

State of New Hampshire
Rockingham ss.

Portsmouth Harbour August 23 1777 Then the above named Capt. Elisha Hinman at the Request of Francis Dana & John Lowell Esqrs. in behalf of the State of South Carolina, Personally appearing and being carefully examined and cautioned to Testifie his certain knowledge and the whole Truth made Solemn Oath to the Truth of the foregoing Deposition by him Subscribed to be used in a Cause wherein Wat Rathborn in behalf of Elisha Freeman Paine is Appellant, and the State of South Carolina Appellee to be Tried at the Superior Court of Judicature to be held at Boston in and for the County of Suffolk on the fourth Tuesday of August instant the Adverse Party Living more than thirty miles from the Place of Caption [and out of the State] was not notified nor present, and the Deponent going to Sea is Sworn out of Court

Before me Saml. Penhallow Justice Peace

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open'd in Court

Deposition to be used in a Cause to be Tried at the Superior Court of Judicature &c to be held at Boston in and for the County of Suffolk on the fourth Tuesday of August A D 1777 Wait Stathburn in behalf of Elijah Freeman Pain is Appell^t and the State of South Carolina Appellee

Capt. Hinman's Deposition

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